

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

Editor's Note: The following Notices of Final Rulemaking were exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 2571.)

[R12-190]

PREAMBLE

- 1. Article, Part, or Sections Affected**

R4-7-404	<u>Rulemaking Action</u>
R4-7-504	Amend
R4-7-601	Amend
- 2. Citations to the agencies statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 32-904(B)(2)
Implementing statute: A.R.S. § 41-1092.03(A)(3), A.R.S. § 32-925(A)(3)(d).
- 3. The effective date of the rules:**

November 19, 2012

 - a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable
 - b. If the agency selected a date later than the 60 day effective date specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable
- 4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 2343, November 18, 2011
Notice of Proposed Rulemaking: 18 A.A.R. 872, April 13, 2012
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Patrice A. Pritzl, Executive Director
Address:	5060 N. 19th Ave., Suite 416 Phoenix, AZ 85015-3210
Telephone:	(602) 864-5088
Fax:	(602) 864-5099
E-mail:	generalinfo@azchiroboard.us
- 6. An agency justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The rule amendments relate to the agency five-year rule review. The rule amendments will make rules consistent with statute for license application requirements by removing the requirement that the applicant submit an affidavit in sup-

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port of an application, providing notice to applicants that a meeting to request an informal settlement conference may be requested if a license application is denied by the Board, and removing “preparatory and complementary to an adjustment” from the definition of acupuncture as applied to chiropractic.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not review any study relevant to the rule.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

A.R.S. § 41-1055(A)(1): Not applicable. The rulemaking is intended to conform to statute as required by the agency’s five-year rule review rather than correct conduct.

A.R.S. § 41-1055(A)(2): Not applicable. The rulemaking is intended to conform to statute as required by the agency’s five-year rule review rather than correct conduct.

A.R.S. § 41-1055(A)(3): Not applicable.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

No changes have been made.

11. An agencies summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments.

The agency did not receive written or oral comment regarding the rule.

12. All agencies shall list other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. § § 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rule itself does not require a permit. However, the license required by statute arguably falls within the definition of general permit in A.R.S. § 41-1001.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

Not applicable

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules as follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

ARTICLE 4. EXAMINATIONS

Section
R4-7-404. Investigations

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ARTICLE 5. LICENSES

Section
R4-7-504. License: Denial

ARTICLE 6. ACUPUNCTURE CERTIFICATION

Section
R4-7-601. Definition of Acupuncture as Applied to Chiropractic

ARTICLE 4. EXAMINATIONS

R4-7-404. Investigations

The Board may require an applicant ~~or other person making an affidavit in support of an application~~ to appear and supply to the Board information or documents necessary to establish the qualifications of applicant.

ARTICLE 5. LICENSES

R4-7-504. License: Denial

If the Board denies a license, the Board shall send the applicant written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a fair hearing to challenge the denial; ~~and~~
3. The time periods for appealing the denial; ~~and~~
4. The right to request an informal settlement conference with the Board's authorized agent.

ARTICLE 6. ACUPUNCTURE CERTIFICATION

R4-7-601. Definition of Acupuncture as Applied to Chiropractic

- A. Acupuncture as applied to chiropractic is stimulation, ~~preparatory and complementary to an adjustment~~, of a certain meridian point or points on or near the surface of the body to control and regulate the flow and balance of energy of the body.
- B. Acupuncture includes acupuncture by needle, electrical stimulation, ultrasound, acupressure, laser, auricular therapy, or any implement that stimulates acupuncture points.
- C. Acupuncture does not include cupping, moxibustion, or cosmetic therapy.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

[R12-191]

PREAMBLE

- | | |
|--|---------------------------------|
| <u>1. Article, Part, or Sections Affected</u> | <u>Rulemaking Action</u> |
| R4-7-801 | Amend |
| R4-7-802 | Amend |
- 2. Citations to the agencies statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 32-904(B)(2)
Implementing statute: A.R.S. § 32-931
- 3. The effective date of the rules:**
November 19, 2012
- a. If the agency selected a date earlier than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

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Not applicable

- b. If the agency selected a date later than the 60 day effective date specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

- 4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 2280, November 4, 2011

Notice of Proposed Rulemaking: 18 A.A.R. 874, April 13, 2012

- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

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Address:	5060 N. 19th Ave., Suite 416 Phoenix, AZ 85015-3210
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Web address:	www.azchiroboard.us

- 6. An agency justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

A statute was passed in 1995 requiring all chiropractic licensees to complete 12 hours of continuing education as a condition of license renewal. The subject and provider qualifications were set in statute with the expectation that a licensee's educational background would provide them with sufficient means to determine when a course would or would not qualify for continuing education credit. The passing years have made it clear that licensees require more clarity in law in order to determine when and if a course will qualify for continuing education credit. At the Board's request, the legislature amended A.R.S. § 32-931(B) to provide the Board the authority to prescribe continuing education requirements in rule, effective July 1, 2012.

As part of the preparation to provide licensees with a more specific definition of subjects that do or do not qualify for continuing education, the Board invited a group of stakeholders to discuss continuing education and appropriate topics. This rule incorporates that input in Sections J, K and L. In addition, while that same statute allows the Board to approve qualifications for non-accredited institutions, it does not identify what the qualifications for approval are or the application and approval requirements. Finally, previous language did not state the responsibilities that providers have to course participants, establish a monitoring parameter of approved courses to confirm compliance with the law or steps to be taken when sufficient grounds have been established to rescind a continuing education provider's status in Arizona. This rulemaking addresses all of the above. There are some minor technical corrections included in the rule amendment as well, such as an amendment requiring a person who wishes to apply for an extension to complete continuing education, (C.E.), to do so by December 1 of each year, rather than December 31, so that the Board can make the decision before the due date for continuing education completion.

- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Board did not review any study relevant to the rule.

- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 9. The summary of the economic, small business, and consumer impact:**

A.R.S. § 41-1055(A)(1): The change in statute and rule is intended to decrease the frequency in which licensees fail to complete the qualifying continuing education required for license renewal and decrease the frequency of C.E. providers marketing non-qualifying C.E. Approximately 150 to 200 licenses are suspended each year due to non-compliant C.E. and approximately 20% to 40% of licensees audited either require additional documentation and investigation or are found to have failed to complete 12 qualifying hours of C.E. The Board has also had its attention drawn to providers that are marketing non-qualifying C.E. as being accepted for chiropractic license renewal in Arizona, as well as a provider that did not know what the content of two separate courses was. The issue of providers mis-marketing C.E. has a larger impact because multiple licensees experience the impact of finding that their C.E. credits are not in compliance with law. The harm caused includes the following: a.) licensees pay for, and spend 12 hours of personal time, on a course that does not qualify for renewal credit, b.) licenses are suspended if a licensee fails to complete the 12 qualifying hours of C.E. prior to January 1 of each year, c.) board staff must expend resources investigating non-compliance with C.E. requirements, confirmation of course qualifications and investigation of

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alleged mis-marketing of C.E. courses, d.) the Board must consider matters of C.E. non-compliance and mis-marketing of C.E., and e.) consumers are deprived of the continued competence of providers through C.E. completion. The estimated change in frequency of licensees taking non-compliant C.E. is at least 75%. The estimated change in the frequency of non-qualifying course being marketed for C. E. credit is a reduction of 75%.

A.R.S. § 41-1055(A)(2): The change in law will provide two new tools to decrease the frequency of

C.E. violations. First, the rule will provide a specific list of course subjects that do and that do not qualify for continuing education, rather than requiring licensees to analyze a broad category and apply a specific course subject to the Board category. Secondly, the rule will require courses not offered directly through a college or university and all distance learning courses to be pre-approved by the Board in order to qualify for continuing education credit. The Board will then create a list of approved courses that licensee can refer to.

There is no anticipated increase in financial impact for licensees because they are already required by statute to complete twelve hours of continuing education as a condition of license renewal. The rule does not change the number of hours required for continuing education for license renewal or substantially change providers of CE. The current cost to licensees varies from \$120.00 to \$495.00 for online or classroom courses. Fees for personal instruction may be more expensive, but would be at the choice of the licensee rather than as a requirement in law. Continuing education providers that are not accredited colleges or universities may save money. Under current rule, a course that is sponsored by an accredited college or university, and that meets the topic requirements, is automatically deemed to meet the requirements in law, and those providers cannot apply for direct approval through the Board. The rule amendment would allow those providers to apply directly to the Board for course approval rather than paying for course sponsorship from an accredited college or university. The cost of application for course approval through the Board is \$50.00 as established in R4-7-1301. Providers will be required to renew approval every other year, and therefore will accrue an additional expense of \$50.00 for courses that are offered more often than every other year. The cost to the Board will essentially be an exchange. Currently, the Board accepts courses that are sponsored by a college for university without Board review or approval. Unfortunately, experience has reflected that there are sponsoring colleges that fail to provide oversight over the sponsored courses, do not require submission of a syllabus, course description or other documentation from the course provider as a condition of approval, do not maintain records of sponsored courses and cannot provide verification that a licensee attended a specific course. These same colleges and universities remain unable to keep track of subjects that qualify for continuing education credit and either purposely, or through negligence, market courses to licensee's as being eligible for CE, when they are not. Therefore, the Board is willing to absorb the additional burden on staff to review applications for course approval that had previously been allowed without approval through college sponsorship. However, under the current structure, Board staff has had the burden of investigating courses that do not appear to qualify for continuing education credit in Arizona and the Board has had the burden of reviewing non-compliance complaints. It is expected that moving oversight to the initial approval process will alleviate cost to the Board for investigating violations of continuing education compliance. The general cost to the Board is \$50.00 for review of continuing education course applications. It is expected that licensees will have greater success in achieving the level of continuing education required by the law, which will save them the cost of needing to retake coursework if the hours they initially took but did not qualify for renewal. In addition, if a licensee fails to complete 12 hours of continuing education that qualifies under the law, the license may be suspended. Licensees will benefit from the rule amendment by having clearer and more accessible guidelines provided by the Board prior to taking a course.

A.R.S. § 41-1055(A)(3): Not applicable.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Only one minor change has been made in response to the written comments. The proposed rule defined providers for CPR as the American Red Cross and the American Heart Association. A minor amendment has been made in R4-7-801(D)(2) to consider other providers that meet the same level of qualifications as those providers. The Board did not publish a supplemental rule notice due to the minor nature of the change. The final rulemaking also incorporates three suggestions based on G.R.R.C. staff suggestions. The reference to the statutory requirement to take an administrative, (non-disciplinary), action to suspend a license if the licensee fails to submit a complete license renewal application before January 1 has been added to R4-7-802(E). In addition, R4-7-801(I) requires a C.E. course provider to notify Arizona licensees who have taken a course that the provider's course approval has been withdrawn. Clarification of a time-frame in which to provide notice to licensees and the method of notification has been added. Finally, language that would make withdrawal of course approval under R4-7-801(I)(6) retroactive has been removed.

11. An agencies summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The agency did not receive oral comment or a request for an oral hearing. The agency did receive three written comments. The Health and Safety Institute (HSI) requested that the Board allow entities with equivalent standards to the American Red Cross and the American Heart Association to sponsor or teach CPR courses. The HSI provided substantial documentation to support its request. The Board does agree with the request.

ChiroCredit objected to the requirement that distance learning courses be approved by the Board. It is the opinion of ChiroCredit that if the Board accepts live courses taught by the colleges, it should also accept distance learning

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courses through the colleges because both are equal in content and quality. The Board responds as follows: Distance learning courses have one substantial difference from live coursework, that being a means to confirm that the licensee was actively involved in the instruction for a consecutive 50 minutes for each credit hour awarded without having visual oversight of the course participants. The Board invited colleges to provide the Board with documentation as to how that requirement is met. Only one college responded. The Board's executive director also tested an online course for content and monitoring. Although each section of the course was supposed to comprise 50 minutes of instruction and prevent the participant from moving on until the end of each section, she found that she could pass the course by leaving the computer running between sections and answering the three multiple choice questions until she got them all correct. She also found that at least 6 of the 12 hours of instruction did not qualify for continuing education credit in Arizona. The same course offers the same example of live versus online courses for content. The college in question stated that the online course subject matter was a duplicate of a live classroom course that had been approved by the Board. A review of the live classroom course syllabus demonstrated twelve hours of qualifying instruction in recordkeeping. The online course only qualified for 6 hours of recordkeeping. The remaining six hours were on billing and coding, which do not qualify. While the Board does agree that ideally, both live and online courses should be approved in the same manner, through the Board, the agency's limited resources must primarily focus on the greater complications that arise with online courses. The Board, therefore, did not amend the proposed rule.

Bridgeport College of Chiropractic objected to the requirement that distance learning courses be approved by the Board as well. Bridgeport College of Chiropractic is the college that sponsors the ChiroCredit online courses. That concern has been addressed above. It also objected to the requirement that courses that are not directly taught by a college or university be approved by the Board rather than being automatically approved if the course is sponsored by a college or university. Finally, the college expressed concern about the cost to the Board in approving courses. The Board will address the last comment first. As noted above, the Board believes that prior approval of courses by the Board may cost the Board more in resources at the front end, but save the Board resources in investigating, monitoring and taking action when "sponsored" courses fail to meet continuing education requirements. This measure will also save licensees money by preventing mis-marketing of unqualified courses. The Board also noted that four colleges in the last two years have repeatedly demonstrated a lack of familiarity with qualifying requirements for the continuing education that they sponsored. The colleges were unfamiliar with the content of sponsored courses and were unable to confirm licensee attendance at a sponsored course or have misrepresented that a sponsored course qualified for C.E. credit. While the Board understands a college's concern, the Board's primary responsibility is to the public and its licensees. Continuing Education is required in all states to maintain competence in professionals for the good of the consumer rather than the college. The Board also has a duty to confirm that continuing education marketed to licensees for the purposes of meeting a legal mandate are legitimate and identifiable. The Board, therefore, did not approve an amendment to the proposed rule.

As a final note, it is a general practice among the Chiropractic Examiners Boards throughout the U.S. to require that courses be approved by the Board. This Board is not introducing a new concept, although it has used the experience and expertise of those boards in promulgating this rule package by applying the practices and structure that is consistent with those boards.

12. All agencies shall list other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. § 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rule itself does not require a permit. However, the license and approvals required by statute and rule arguably falls within the definition of general permit in A.R.S. § 41-1001.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

Not applicable

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

ARTICLE 8. CONTINUING EDUCATION

Section

R4-7-801. Continuing Education Requirements

R4-7-802. Documenting Compliance with Continuing Education Requirements

ARTICLE 8. CONTINUING EDUCATION

R4-7-801. Continuing Education Requirements

- A.** To be eligible to renew a license, a licensee shall complete 12 credits of continuing education between January 1 and December 31 of each year, and document compliance with continuing education requirements on the license renewal application as required by R4-7-503(C). ~~A credit of continuing education is defined as 60 minutes of education. Continuing education credit shall be given for a minimum of fifty minutes of continuous study for each class hour. No credit shall be allowed for breaks or for time expended for study outside of the classroom.~~
- B.** Basic requirements – The primary consideration in determining whether or not a specific course qualifies as acceptable continuing education is that it must be a formal program of learning which will contribute directly to the professional competence of a licensee in the practice of chiropractic. Each course shall be on subjects of clinical benefit to the consumer of chiropractic services.
1. The content of the course, seminar or workshop must be recognized by reputable authorities as having validity, and must conform to the scope of practice for assessment, treatment and diagnosis as authorized under A.R.S. § 32-925 and A.R.S. § 32-922.02.
 2. Instructors shall be qualified by education and/ or experience to provide instruction in the relevant subject matter.
 3. Each licensee is responsible for determining in advance that the course which he or she attends qualifies for continuing education credit under this Article.
- ~~**C.** The Board shall award continuing education credit only for continuing education subjects listed in A.R.S. §§ 32-922(B) and 32-922.02. The course subjects principles of chiropractic and public health and hygiene includes chiropractic record-keeping, ethics, and sexual boundaries.~~
- ~~**B.C.** A licensee shall only obtain continuing education credit in the following manner by:~~
- ~~1. By attending Attending or participating in a course, (which includes a seminar or workshop), on subjects listed in A.R.S. §§ 32-922(B) or 32-922.02 that is taught at or sponsored by a college or university that meets the requirements in A.R.S. § 32-921(B)(2)(a) through a provider and on a subjects that have been pre-approved by the Board.~~
 - ~~2. Participating in the development of, or proctoring the National Board of Chiropractic Examiners (NBCE) examinations. Continuing education credits earned in this manner are calculated as one credit hour for each hour of participation in the development of the NBCE examination for a maximum credit of eight hours per year, and one credit hour for each hour proctoring the NBCE exam for a total of eight hours per year. A licensee shall obtain a certificate of participation from the National Board of Chiropractic Examiners to verify compliance with this provision.~~
 - ~~3. By teaching a post-graduate course that has been pre-approved by the Board for continuing education credit under this Section as a faculty member of a Council on Chiropractic Education accredited chiropractic college or university that is accredited by or is in good standing with the Council on Chiropractic Education or is accredited by an accrediting agency recognized by the United States Department of Education or the Private Postsecondary Education Board during the renewal year. Continuing education credits earned in this manner are calculated as two credits one credit of continuing education for each hour of post-graduate course instruction, for the first course presentation, and one credit for each hour of instruction after the first course presentation. A maximum of six credits of continuing education credit may be earned in this manner annually.~~
 - ~~34. By completing a post-graduate mediated instruction or programmed learning courses course pre-approved by the Board through an accredited college or university that meets the requirements of A.R.S. § 32-931(B). Mediated instruction and programmed learning refers to learning transmitted by intermediate mechanisms such as audio or visual tape or telephone webinar or other internet delivered courses that are structured to confirm 50 minutes of continuous instruction for each credit hour received. A licensee shall obtain a certificate of program completion from the accredited college or university to verify compliance with this provision~~
- D.** The following are predetermined to meet Board approval as providers for continuing education. Additional approval is not required, nor should it be expected. An application submitted for a course that falls under this subsection shall be returned to the applicant without a review and subsection (E) does not apply. Coursework provided by these entities is approved as meeting continuing education requirements only for those subjects listed in subsections (J) and (K) of this Section. Preap-

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proval does not include mediated instruction or programmed learning courses.

1. A college or university that meets the requirements of A.R.S. § 32-921(B)(2)(a), the American Chiropractic Association and the International Chiropractors Association, with qualified instructors and that provide courses that meet the subject requirements under subsections (J) or (K).
 2. CPR training provided or sponsored by the American Heart Association, the American Red Cross, or an entity that meets equivalent standards of the American Heart Association and the American Red Cross. A maximum of four credits of continuing education credit may be earned in this manner annually.
 3. Participation in the development of or proctoring the NBCE examinations.
- E.** Prior approval is required for all course providers not mentioned in subsection (D) and for all mediated instruction or programmed learning courses regardless of subsection (D). A provider applying for approval of a continuing education course shall submit a complete application to the Board at least 60 days prior to the anticipated initial date of the course if submitted by internet, or 75 days if provided in hard copy form. The Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing and the applicant must submit the missing information within 10 days of the notice. The Board will not approve a course if a complete application has not been submitted at least 15 business days prior to the initial date of the course identified in the initial application. If the applicant changes the initial date of the course or the course content or the instructors, it shall be considered a new application. A complete application shall include:
1. The name, dates, and locations of the course.
 2. The number of hours requested for approval.
 3. The subjects of the course, broken down by the specific time of instruction in/of each subject.
 4. A course description including the content, explicit written objectives identifying expected learner outcomes for each section of the course and teaching method (i.e. lecture, discussion, PowerPoint, internet, webinar).
 5. A detailed, hour by hour syllabus identifying the subject of instruction for each hour, with the instructor for each section identified. If less than an hour is dedicated to a subject, the syllabus shall identify the number of minutes dedicated to instruction on that subject.
 6. A resume or curriculum vitae for each instructor and an attestation of the following:
 - a. Licenses for all instructors are currently in good standing.
 - b. No instructor has had a license placed on probation or restricted within the past five years in this or any other jurisdiction.
 - c. No instructor has ever had a license suspended or surrendered for unprofessional conduct or revoked in this or any other jurisdiction.
 - d. No instructor has had a license application or renewal denied for unprofessional conduct.
 - e. No instructor has been convicted of a misdemeanor involving moral turpitude or a felony in this or any other jurisdiction.
 7. Documentation of license in good standing for each instructor for each state in which the instructor has or currently holds a license, if applicable. If an instructor is currently under investigation by a regulatory agency or is under investigation for, or been charged with, a criminal offence, the applicant shall disclose the investigation or charge and shall provide all relevant records.
 8. One letter of reference for each course instructor from a person familiar with the instructor's qualifications as an instructor and education and/or experience in the relevant subject.
 9. Identification of a sponsor, if applicable, and disclosure of any connection between the provider and/or instructor and/or sponsor of any commercial relationship and/or any external entity giving financial support to the course. If the course does have a sponsor, a completed sponsor/program provider agreement for continuing education, signed and notarized by a responsible party must be provided with the application.
 10. Documentation of the method by which attendance will be monitored, confirmed and documented.
 11. The name and contact information for the attendance certifying officer with an attestation that the certifying officer is supervised by the applicant provider and a description of the supervision method employed to confirm that the certifying officer is performing the duty of monitoring and confirming attendance.
 12. Attestation that each course hour consists of no less than 50 minutes of continuous instruction and that credit is not provided for breaks.
 13. The non-refundable fee required under R4-7-1301 for each course, whether individual or included in a program of multiple courses.
 14. The name, address, telephone number, fax number and e-mail of a contact person.
 15. Any other information required or requested by the Board.
 16. If the course is a mediated instruction or programmed learning course, a detailed description of the method used to confirm that the participant was engaged in 50 minutes of continuous instruction for each credit hour awarded.
 17. The Board may require that the applicant provide additional information in support of the application if the course qualifications are not clearly demonstrated through the materials provided.
- F.** The Board shall approve a continuing education course if the applicant has submitted a complete application to the

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Board's satisfaction within the time-frame required by this Chapter and has demonstrated the following:

1. The course complies with this Chapter.
 2. The course instructors is faculty with an accredited college or university that meets the requirements of A.R.S. § 32-921(B)(2)(a) or demonstrates equivalent qualifications through postgraduate study and experience teaching postgraduate coursework. An instructor must:
 - a. Hold an applicable license in good standing.
 - b. Shall not have had a license placed on probation within the last five years.
 - c. Shall not ever had a license suspended, surrendered for unprofessional conduct or revoked.
 - d. Shall not have had a license application or renewal denied for unprofessional conduct.
 - e. Shall not or been convicted of a felony in this or any other jurisdiction.
 3. The course instructor is qualified by education and experience to provide instruction in the relevant subject matter.
 4. The subject of the course qualifies under subsections (D)(2) and (3), (J) and (K).
 5. The course demonstrates attendance and/or monitoring procedures. Monitoring procedures must provide confirmation that a licensee was engaged in 50 minutes of continuous study for each credit hour.
- G.** The Board shall not approve a continuing education course if the applicant fails to submit a complete application within the time-frame required by this Chapter or if:
1. The course does not qualify under this Chapter.
 2. The course subject does not qualify for continuing education credit under subsections (D)(2) and (3), (J) and (K).
 3. The instructor(s) does not qualify as per subsection (F)(2).
 4. The instructor's references do not support the qualifications of the instructor as per subsection (F).
 5. The course primary focus is to promote a product or service.
 6. The course requires participants to purchase a product or service.
 7. The course has no significant relationship to the assessment, diagnosis or treatment of patients within the scope of practice of chiropractic as defined under A.R.S. §§ 32-925 and 32-922.02.
 8. The content cannot be verified.
 9. The course refutes generally accepted medical care and treatment and/or instructs participants to encourage patients to stop taking medication and/or stops participating in generally accepted medical care or fails to qualify under subsection (K).
- H.** A course approved by the Board pursuant to subsections (E) and (F) shall be issued an approval number. Once approved, a course provider shall:
1. Provide course attendees with a certificate confirming course participation. The certificate shall: a.) include the name of the college or university through which the course was completed, or the course approval code issued by the Board, if applicable, b.) the name and Arizona license number of the attendee, c.) the name of the course provider, the course subject matter, d.) the name of the course if different than the subject matter listed, e.) the date and location of the course, and the number of hours of continuing education completed.
 2. Maintain a list of all course attendees for a minimum of five years after each date that the course is held, and shall provide a copy of the list to the board within 10 days of a written request to do so.
 3. Maintain a copy of the course syllabus and stated learning objectives, a list of instructors and documentation of the name, location and date of the course for a minimum of five years and shall provide the Board with a copy these materials within 10 days of a written request to do so.
 4. Monitor course attendance by each attendee in a manner that confirms that the attendee was present and participating in the course for a continuous 50 minutes for each hour of continuing education credited.
 5. Notify the Board immediately of concerns or problems that may arise regarding the approved course, to include discipline being imposed on the license of an instructor or an instructor being convicted of a criminal offense.
 6. Reapply for Board approval every two years no later than the first day of the month in which the course was initially approved, and every time the subject of the course changes and/or there is a change in instructors that does not include an instructor already approved by the Board. Failure to reapply as per this subsection shall disqualify the course for ongoing continuing education credit.
 7. Not represent that the course is sanctioned or promoted by the state of Arizona Board of Chiropractic Examiners. The provider may state that the course meets the continuing education requirements as per A.R.S. § 32-931. If the course has been directly approved by the Board, the provider may display the Board's course approval number.
- I.** The Board may monitor a continuing education provider's compliance with continuing education statutes and rules as follows:
1. The Board may request any or all documentation as per Section (H) of this rule from a board-approved Continuing education provider for any course registered for license renewal to ensure compliance with this rule.
 2. A representative of the Board may attend any approved continuing education course for the purpose of verifying the content of the program and ensuring compliance with the Board's continuing education rules at no charge to the Board representative.
 3. If the Board finds that a course or provider is not compliant with the Continuing statutes or rules, has misrepresented

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course content or instructors in an application, failed to obtain new approval for a course with a change in subject or instructor or failed to pay the course fee, the Board may withdraw its approval for continuing credit for the course and/or the provider. The withdrawal of approval shall be effective upon written notification to the provider's contact of record by the Board.

4. The Board shall notify a provider that it will consider withdrawal of course approval and provide the date, time and location of the meeting at which the matter will be discussed and possible action taken.
5. If approval is withdrawn, the Board shall notify the provider of the reasons for withdrawal of approval.
6. The provider shall notify all Arizona licensees who attended the course that any course hours obtained through the course cannot be used for continuing education credit of license renewal in the state of Arizona. If a provider fails to provide appropriate notice to Arizona licensed attendees, within ten business days of written notice from the Board that course approval has been withdrawn, that provider shall not be considered for approval of continuing education credit in the future. The notice to the Arizona licensed attendees must be made by certified mail in order to establish documentation that the requirement was met.

J. Course subjects approved for continuing education for renewal of an Arizona chiropractic license are:

1. Adjusting techniques;
2. Spinal analysis;
3. Physical medicine modalities and therapeutic procedures as defined in A.R.S. § 32-900(7) and (8);
4. Recordkeeping and documentation;
5. Ethics;
6. CPR;
7. Public health;
8. Communicable diseases;
9. Sexual boundaries;
10. Emergency procedures;
11. Acupuncture;
12. Nutrition;
13. Examination;
14. Assessment and diagnostic procedures to include physical, orthopedic, neurological procedures;
15. Radiographic technique;
16. Diagnostic imaging and interpretation;
17. Laser as permitted by law;
18. Clinical laboratory procedures limited to urine collection, fingerpicks and venipuncture (not to be confused with evaluation of lab reports);
19. Anatomy;
20. Physiology;
21. Bacteriology;
22. Chiropractic orthopedics and neurology;
23. Chemistry;
24. Pathology;
25. Patient management;
26. Evidence-based clinical interventions models;
27. Symptomatology;
28. Arizona jurisprudence, and;
29. Participation in National Board of Chiropractic Examiners examination development or administration of examinations.

K. In addition to the subjects in subsections (A), (C), (D) and (J), courses for the purpose of recognizing, assessing and determining appropriate referral or collaborative treatment of complex conditions, including but not limited to cancer, autism, multiple sclerosis, diabetes, and developmental disorders, for the purpose of co-management of the patient's condition with qualified medical providers shall qualify for continuing education credit.

L. The following subjects shall not qualify for continuing education for the purpose of license renewal and shall not be approved by the Board:

1. Billing, coding;
2. Malpractice defense;
3. Practice management;
4. Risk management;
5. Promotion of a product or a service or a requirement that attendees purchase a product or service;
6. Strategies to increase insurance payments;
7. Administrative or economic aspects of a practice;
8. Motivational courses;

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9. Legal courses other than pre-approved Board jurisprudence;
10. Anti-aging;
11. Hormone treatment;
12. Aroma therapy;
13. Stress management;
14. Psychological treatment;
15. HIPAA;
16. Homeopathic practice that exceeds A.R.S. § 32-925;
17. Professional or business meetings, speeches at luncheons, banquets, etc.;
18. Subject matter that exceeds the assessment, diagnosis and treatment of patients within the scope of practice of chiropractic as defined in this Chapter;
19. Any course without a significant relationship to the safe and effective practice of chiropractic under A.R.S. § 32-925 and A.R.S. § 32-922.02;
20. And any course that involves a distance learning format or materials if the course has not been pre-approved by the board and issued a board approval number;

M. A licensee's compliance with subsections (A), and (C), shall include the following coursework in order to renew a license.

1. Each licensee shall complete a minimum of two hours of continuing education in recordkeeping for every even numbered year.
2. Each person who is issued a new license to practice chiropractic in Arizona on or after January 1, 2013 is required to attend three hours of a single regularly scheduled Board meeting within the first year of residence in Arizona. The licensee cannot distribute the three hours of Board meeting attendance over two or more Board meetings. The licensee shall notify the Board in writing within ten days of moving to Arizona. The meeting attendance must be pre-scheduled and pre-approved by Board staff. Continuing education credit will not be awarded if the licensee is attending the meeting as a subject of an investigation or other Board review or if the licensee fails to properly schedule attendance as per this Section. This subsection does not pertain to any person who has had a license to practice chiropractic in Arizona issued prior to January 1, 2013.

~~D.N.~~ The Board shall grant an extension of 90 days to comply with the continuing education requirements to a qualified licensee. To qualify for an extension, a licensee shall:

1. Timely file a license renewal application and renewal fee; and
2. Submit a written request for an extension no later than December 1 of the current renewal year, including evidence of good cause why the continuing education requirements ~~were not~~ cannot be met by December 31 of the current renewal year.

~~E.O.~~ The following reasons constitute good cause for the Board to grant an extension of time to comply with the continuing education requirements:

- ~~1. The licensee graduated from an accredited chiropractic college, or a college that meets the requirements of R4-7-702, during the year that the continuing education requirements are to be met;~~
- 1.2. The licensee lived in a country where there was no accredited chiropractic college, or a college that meets the requirements of R4-7-702, for at least seven months during the year that the continuing education requirements are to be met;
- 2.3. The licensee was in active military service for at least seven months during the year that the continuing education requirements are to be met; or
- 3.4. The licensee was not able to complete the continuing education requirements because of a documented disability of the licensee or the licensee's spouse, child, or parent.

~~F.P.~~ If the Board grants an extension of time ~~in which~~ to complete the required 12 hours of continuing education requirements, 12 hours of required continuing education credits obtained during the 90-day extension shall be applied to meet only the requirements for which the extension is granted. A licensee shall not report those 12 hours of continuing education credit earned during a 90-day extension for a subsequent renewal year.

R4-7-802. Documenting Compliance with Continuing Education Requirements

- A. A licensee shall retain documents to verify compliance with the continuing education requirements for at least five years from the date the continuing education credit is used to qualify the licensee for renewal. The Board may audit continuing education compliance at any time during those five years by requiring submission of documentation of course completion.
- B. With each license renewal application, a licensee shall attest by providing the licensee's signature, that the licensee has met the continuing education requirements, and complied with R4-7-503(C) (8) and subsection (A). A licensee's documentation of compliance on the license renewal application shall include the name of the approved course provider.
- C. The Board may require a licensee to provide documentation to verify compliance with continuing education requirements, including evidence that certification that:
 1. Each continuing education credit was for ~~60~~ 50 minutes of education;
 2. The requirements of subsections (A) and (B) were satisfied;
 3. Continuing education credit was earned between the immediately preceding January 1 and the date that the license

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- renewal application was filed or the date on which an extension of time expired;
4. No continuing education credit earned between the immediately preceding January 1 and the date that the license renewal application was filed was earned under an extension of time to comply with the continuing education requirements of a previous year; and
 5. The provisions of A.R.S. § 32-931 and ~~R4-7-801(B) and (C)~~ R4-7-801 were met.
- D.** Documentation shall be in the form of a certificate of completion issued by a Board- approved provider, course sponsor or instructor ~~The Board may require submission of a time sheet demonstrating that the licensee was in attendance for a continuous 50 minutes for every hour of continuing education credit awarded.~~
- E.** The Board shall suspend a license upon notification to the licensee that the licensee has failed to demonstrate compliance with continuing education requirements as per A.R.S. § 32-923(C), A.R.S. § 32-931 and R4-7-801 ~~and R4-7-802~~.